

However, Applicants request reconsideration of the restriction requirement entered by the Examiner, as set forth in the Remarks below.

REMARKS

The Examiner has entered a restriction requirement under 35 U.S.C. 121, which was as follows:

- I. Claims 1-14, 40-47, and 49-56, drawn to a drug delivery system, classified in class 514, subclass 2;
- II. Claims 1, and 15-19, drawn to a drug delivery system, classified in class 424, subclass 469;
- III. Claims 20-34, and 48, drawn to a method for controlled delivery, classified in class 424, subclass 441; and
- IV. Claims 20, and 35-39, drawn to a method for controlled delivery, classified in class 424, subclass 460.

In considering the restriction requirement, it appears that claim 1 is generic to Groups I and II, and claim 20 is generic to Groups III and IV. This can be problematic because, for example, if the claims of Group I were to issue as a patent, and the claims of Group II were to also issue as a patent, both would have an independent claim of exactly the same language. Though the claims of Group I may be patentable over the claims of Group II (due to the presence of an added element), claim 1 as written would cover both claim sets. For this reason, reconsideration of the restriction requirement is requested.

If any impediment related to the restriction requirement and the election above remains after consideration of the above remarks, and such impediment could be

alleviated during a telephone interview, the Examiner is invited to telephone Gary Oakeson, or the undersigned attorney, at (801) 566-6633, so that such issues may be resolved as expeditiously as possible.

Please charge any additional fees except for Issue Fee or credit any overpayment to Deposit Account No. 20-0100.

Respectfully submitted,

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